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CHAPTER 5 – TRANSPORTATION OVERLAY DISTRICT

Section 5-601 Purpose.

The purpose of the Tempe Transportation Overlay District (TOD) is to encourage appropriate land development and redevelopment that is consistent with and complementary to the community's focused investment in transit, bicycle and pedestrian infrastructure in certain geographic areas of the City. Tempe is developing a multi-modal transportation system intended to balance the choices people have to move throughout the City, meet the mobility needs of its citizens and mitigate the impacts of congestion and pollution. This Overlay District regulates land uses and establishes development standards in order to prevent developments which would interrupt the transit, bicycle and pedestrian experience.

The specific objectives of this District are to:

- Promote and develop livable and sustainable neighborhoods;
- Promote and increase the use of alternative modes of transportation such as walking, bicycling, car pooling, riding the bus or light rail;
- Encourage a mix of uses and balance of densities and intensities within identified activity areas accessible to alternative modes of transportation;
- Provide a quality of urban design (as defined within the standards) that attracts and encourages pedestrian activity;
- Reinforce public investments and private development to achieve a compact form of development conducive to walking, bicycling, and transit use; and
- Provide facilities that create a safe, *accessible*, comfortable and pleasant environment for people; maintain safe access for automobiles and adequate parking and minimize conflicts between vehicles and pedestrians.

Section 5-602 Boundaries.

The location and boundaries of the Transportation Overlay District are established as shown on the map entitled "Zoning Map, City of Tempe," dated _____ as amended.

Properties are within the District if any portion of the parcel or development is:

- adjacent to a public right-of-way located within 1,950 linear feet from the center of a light rail station platform, measured along the center of the public right-of-way; or
- along a corridor ranging in width up to 800 feet, centered on the light rail line

Properties are within a *Station Area* if any portion of the parcel or development is:

- adjacent to a public right-of-way located within 400 linear feet of a light rail station platform, measured along the center of any public right of way and including only properties adjacent to the public right-of-way.

If any portion of a property falls within the boundaries established above, the balance of the property shall comply with these standards. For the purposes of determining development standards within the District, any property not within a *Station Area* is referred to as being in the *Corridor*.

Figure 5-602A Transportation Overlay District Boundary Map

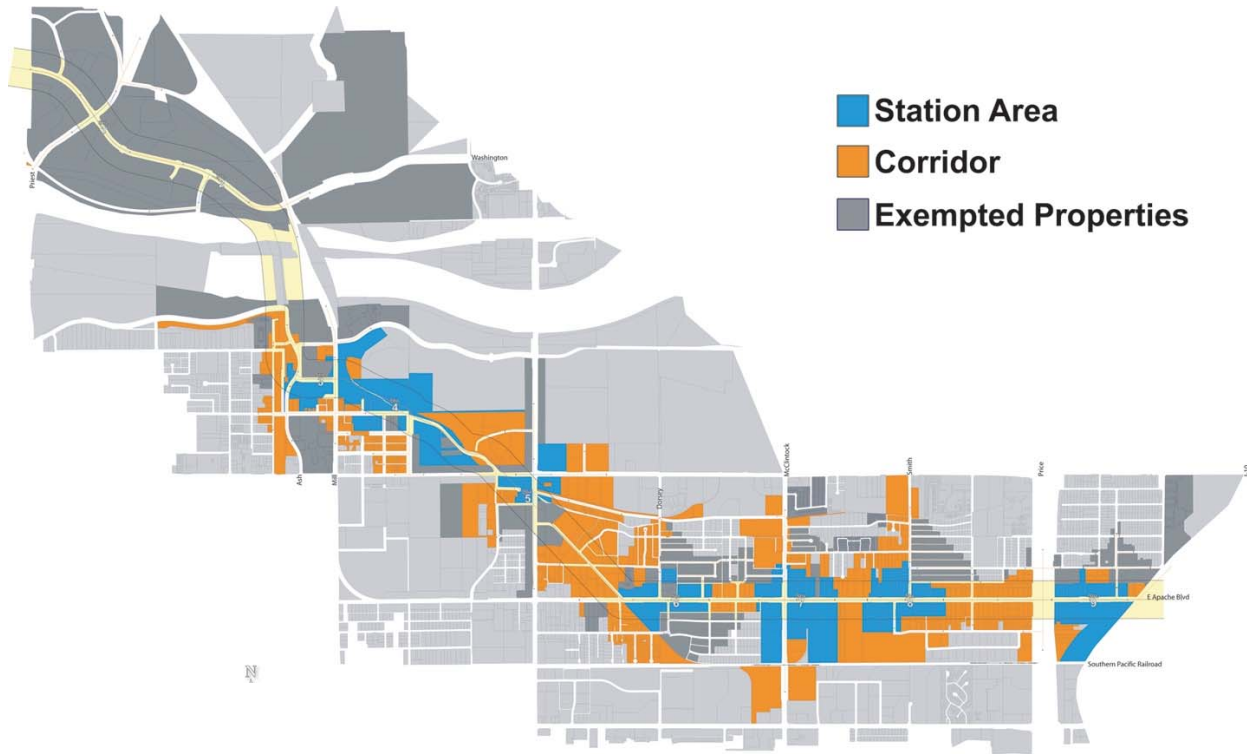
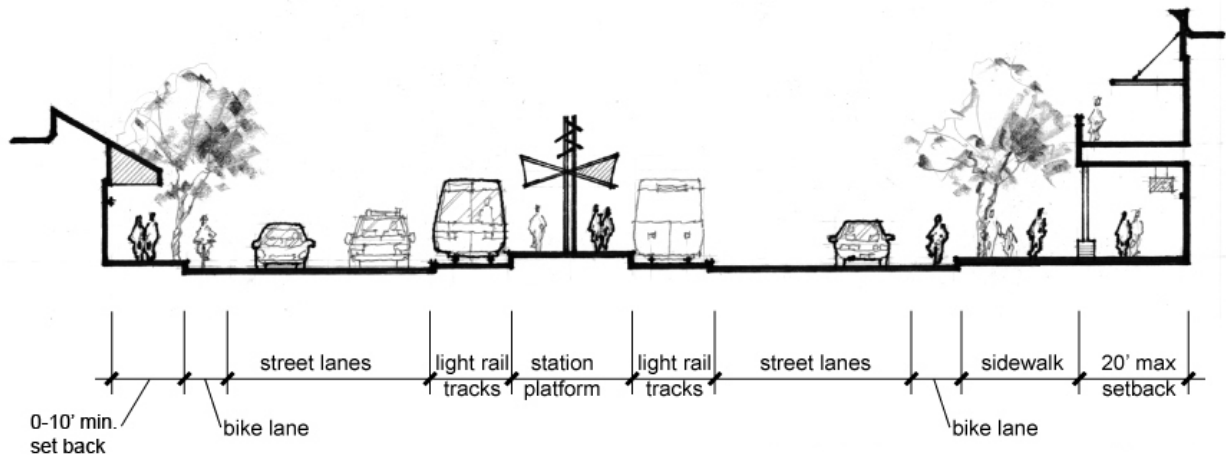


Figure 5-602B Transportation Overlay District Cross Section of Typical Street



Section 5-603 Applicability.

- A. **Applicability.** This chapter applies to all land use and development activity within the boundaries of the Transportation Overlay District except existing properties within the Single-Family Residential, Agricultural, Mobile Home or Mixed-Use-Educational zoned districts, or property within a Planned Area Development (PAD) recorded prior to the

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date of adoption of this Overlay. Regulations contained in this Chapter supplement and modify the provisions in many of the underlying zoning districts.

B. Conformance. A project can meet the requirements of the Chapter by:

Option A: Submitting and receiving approval for a project that conforms to the standards of the Chapter. These standards represent generally the level of transportation orientation the City requires.

Option B: Submitting and receiving approval for a project that generally conforms to the intent of the Transportation Overlay District as outlined in the purpose and objectives in Section 5-601 of this Chapter, while not meeting the literal standards of this Chapter. General Conformance to the intent of this Chapter shall be determined through the development plan review process defined below:

The Applicant provides the Development Services Manager or designee a written letter requesting Option B. The letter should describe how the objectives in Section 5-601 and the pedestrian environment in Figure 5-612F are being met by the proposed development project. The letter must specify what deviations from the Overlay District standard(s) are being requested and how equivalency is being achieved. Within fourteen (14) business days the Development Services Manager or designee, will review the request and provide a written response specifying which deviations are determined to meet, as well as those that have not met, an equivalency to the intent of this code.

Option C: If an applicant is unable to use options listed above, the applicant may propose a zoning map amendment to a district allowing standards desired, using the process defined in Section 6-304 Zoning Map Amendments and Code Text Amendments; use a Planned Area Development Overlay as defined in Section 6-305 Planned Area Development Overlay Districts; request a use permit as needed, using the process defined in Section 6-308 Use Permit; or request a variance using the process defined in Section 6-309 Variances. Use of any of these requested processes are not a guarantee of the desired entitlements; granting of requests is determined by the authorized legislative body.

C. Amendments

1. Zoning map amendments for a property that results in changes to zoning districts that are currently exempt from the Overlay, will require an amendment to this Overlay, in order to include the property.
2. Subdivision plat amendments for a property that is within, or adjacent to, the Overlay will require an amendment to this Overlay to either include or exclude the property, depending on whether the new parcels are inside or outside of the defined boundaries of the Overlay.
3. A property that is outside the Overlay District may be added to the Overlay if it is adjacent to a property that is within the boundaries of the Overlay. The property owner must obtain a zoning map amendment pursuant to Section 6-304 Zoning Map Amendments and Code Text Amendments.

D. Conflict between Transportation Overlay District, Zoning District, Overlays and Other Regulations. Where a conflict exists between a provision of the Transportation Overlay District and any underlying zoning district or development standard, the Transportation Overlay District

provision shall govern. Where a conflict exists between provisions of the Transportation Overlay District, any other Overlay District, or the General Plan the provision that is most specific and restrictive to the situation as determined by the Zoning Administrator shall govern.

Section 5-604 Permitted Uses in Residential Districts.

The Transportation Overlay District does not modify the permitted use provisions of any Residential District.

Section 5-605 Permitted Uses in Commercial, Industrial and Mixed-Use Districts.

The Transportation Overlay District modifies the permitted use provisions of all Commercial, Industrial and Mixed-Use Districts, except MU-Ed, as indicated in Section 5-606 Ground Floor Uses Required and Section 5-607 Permitted Uses Subject to a Use Permit.

Section 5-606 Ground Floor Uses Required.

- A. Purpose.** The purpose of this section is to require all non-residential zoning districts to provide uses which are accessible to the public on the first floor of the street facing side of buildings, to create an active pedestrian environment with public amenities, and to prevent development or uses which do not interact with the street, or that create impenetrable walls along the pedestrian walkway.
- B. Parking Structure Ground Floor Uses.** Parking structures within the *corridor* shall have no more than forty percent (40%) of the façade length on the ground floor of parking structures facing the street; the remaining street façade of the structure at the *ground level* may have any of the allowed uses (Sections 5-605, 5-606 and 5-607) facing the street. Parking structures located at street intersections shall comply with these standards on each street façade of the structure.
- C. Ground Floor Uses in Station Areas.** For land zoned Commercial or Mixed-Use within *Station Areas*, buildings and parking structures shall be designed and built for occupancy of at least sixty percent (60%) of the ground floor street frontage with one or more of the uses listed below. Buildings and parking structures located at street intersections shall comply with these standards on each street façade of the structure. Land zoned Industrial is exempt from this requirement. Figures 5-606A and 5-606B illustrate examples of this requirement. These uses shall be subject to the provisions in Part 3, Land Use, for requirements of the underlying district.
 - 1. Retail sales and service uses;
 - 2. Restaurants and bars;
 - 3. *Customer service offices* (any size office that has *customer point of service*);
 - 4. Entertainment, except *adult oriented business*;
 - 5. Hotels;
 - 6. Clinics;
 - 7. Child daycare and schools; or
 - 8. Uses that are similar to those listed above, as determined by the Zoning Administrator.

Figure 5-606A: Example of 60% Ground Floor Uses on Street Frontage within Station Areas

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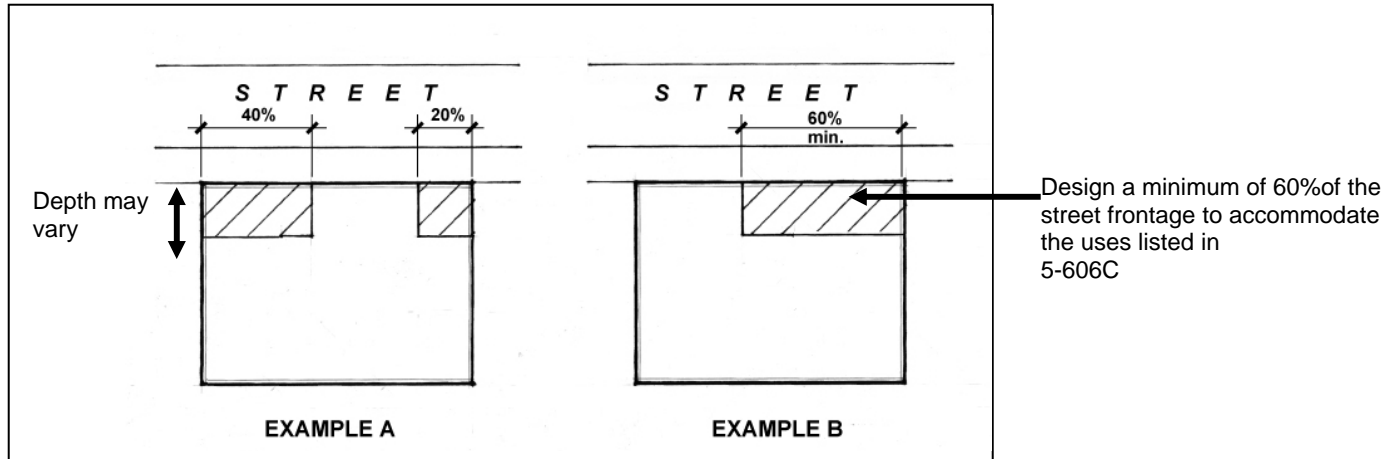


Figure 5-606B: Example of 60% Ground Floor Uses at Street Intersections within Station Areas

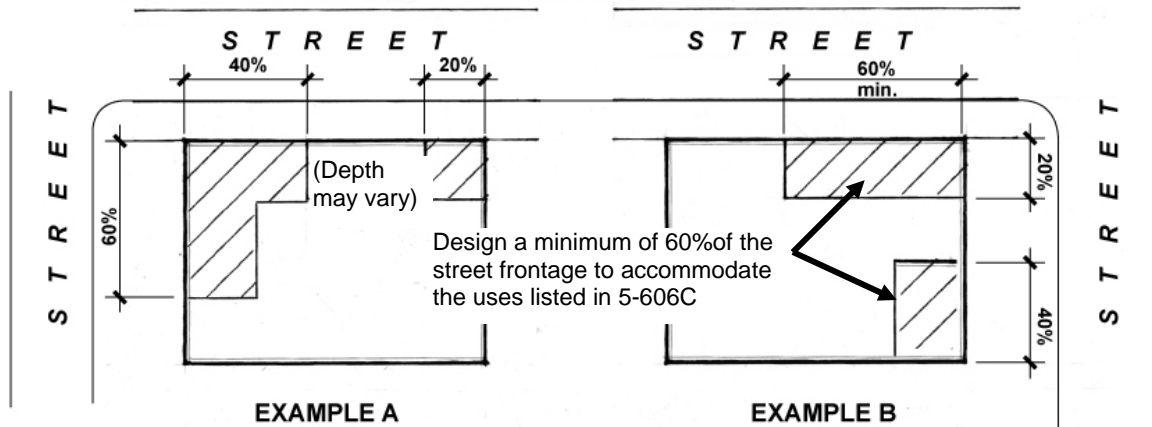
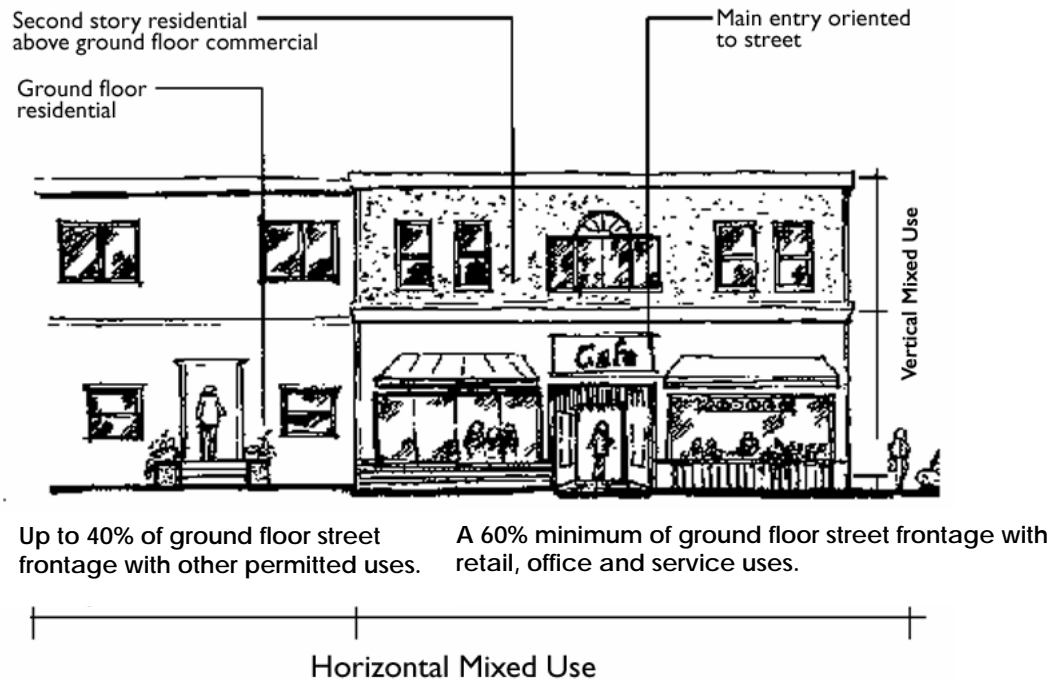
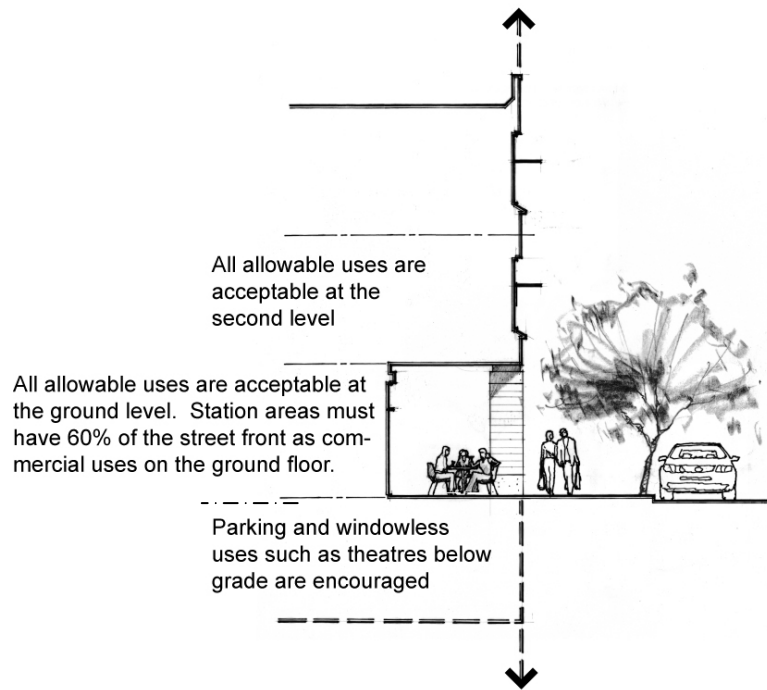


Figure 5-606C: Example of Ground Floor Uses



- D. **Public Schools.** Street-level use requirements do not apply to public educational uses. *Public school or public university* uses are encouraged to abide by the provisions of this chapter.

Figure 5-606D: Illustration of uses above and below Ground Floor



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Section 5-607 Permitted Uses Subject to a Use Permit.

- A. **Purpose.** The purpose of this section is to provide a public hearing process for uses which may or may not be appropriate to the area, depending on site context.
- B. **Uses Allowed with a Use Permit.** In addition to those uses defined by the underlying zoning, the following uses are permitted with a use permit within the Commercial, Mixed-Use and Industrial Zoning Districts within the Transportation Overlay District.
1. Sales or rentals of two-wheeled vehicles which serve as an alternative mode of transportation;
 2. Wholesale showroom, provided that the design is pedestrian-oriented;
 3. Bulk retail uses, including food and beverage sales;
 4. Magazine and newspaper gang boxes; or
 5. Residential developments on ground floor street frontages within *Station Areas*, where the market is unable to support the required 60% ground floor uses requirement, pursuant to Section 5-606 Ground Floor Uses Required, as verified by the Economic Development Division.

Section 5-608 Prohibited Uses.

- A. **Purpose.** The purpose of this section is to prohibit uses which do not contribute to a quality urban environment that attracts and encourages pedestrian activity, promotes the development of livable and sustainable neighborhoods, or provide facilities that create a safe, accessible, comfortable and pleasant environment for people.
- B. **Prohibited Uses.** The following uses are prohibited within the entire Overlay District.
1. *Adult-oriented business*;
 2. Bulk *wholesale* uses including building materials, food and beverage sales, restaurant supplies, etc.;
 3. *Drive-in* businesses;
 4. *Drive-through* facilities, except as provided for in Section 5-608 (E) ;
 5. Funeral homes, mortuaries and cemeteries;
 6. General manufacturing;
 7. *Kennels*;
 8. *Manufactured home* sales;
 9. *Mini-warehouse*;
 10. *Mobile home parks* except in Mobile Home Districts;
 11. Nurseries or greenhouses;
 12. *Outdoor storage*;
 13. *Parking as a principle use*, except as provided for in Section 5-608 (C);
 14. *Recreational vehicle* parks;
 15. Rental lots for motorized vehicles, boats or other recreational vehicles;
 16. Sales, repair or service of boats or other recreational vehicles;
 17. Sales, service, or rental of commercial equipment or construction materials;
 18. Salvage and recycling centers and transfer stations;
 19. Shipping or distribution, warehouse transport center;
 20. *Telecommunication hotels* on the ground level, or an any level of the street front;
 21. Vehicle towing services;

- 22. Vehicle sales, repair, wash, fueling or service , auto body repair or auto service stations except as provided for in Section 5-608 (D); or
- 23. *Warehouse* or other indoor storage

- C. **Parking as a *Principle Use* in *Station Areas*.** *Principle-use parking* is prohibited within *Station Areas*, except that parking facilities owned by the City or an operating transit agency, or private parking facilities operating as park-and-ride facilities in partnership with the City or an operating transit agency, are permitted.
- D. ***Motorist Amenity Uses* in *Station Areas*.** *Motorist amenity* uses (car wash, automobile detailing, vehicle maintenance or repair) are permitted within *Station Areas* only when the use is accessory to a principal-use parking facility that is allowed by Section 5-608 (B).
- E. ***Drive-Through Uses*.** *Drive-through* uses are prohibited within *Station Areas*. *Drive-through* uses are subject to a use permit within the *Corridor*. In addition to the criteria listed in Section 6-308 (F), *drive-through* use permit requests within the TOD corridor are evaluated on the basis of 1) extent of incorporation of pedestrian and transportation standards and guidelines promoted within the Transportation Overlay District; 2) extent to which the project provides a *drive-through* service not currently available in the area; 3) extent of benefit to individuals with limited mobility; and 4) compliance with Sec. 3-408, *Drive-through Facilities*.

Section 5-609 Legal Non-Conforming Use or Development.

A legal non-conforming use is a use that is not permitted in the Transportation Overlay District, but was lawfully established prior to the establishment of the Transportation Overlay District. Expansions, rebuilding and reconstruction of structures housing a non-conforming use, and abandonment or change in use shall be subject to the provisions of Part 3 Chapter 5, Non-Conforming Use or Development.

Section 5-610 Development Standards for Residential Districts.

- A. **Single-Family Residential Districts.** The Transportation Overlay District does not modify the development standards of any Agricultural or Single-Family District.
- B. **Multi-Family Residential Districts.** The Transportation Overlay District does not modify the development standards of any Multi-Family District, except in *Station Areas*, as indicated in Table 5-610A.
- C. **Mobile Home Residential Districts.** The Transportation Overlay District does not modify the development standards of any Mobile Home District.
- D. **Transportation Overlay Street Setback.** Required Ground Floor uses shall conform to the maximum setbacks ranging from zero (0) to twenty (20) feet, as required in Table 5-610A, shall comply with the standards defined in Section 5-613 (D) Minimum and Maximum setbacks, and shall have a *finished floor* that is no more than five (5) feet above or below adjacent sidewalk grade.

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Standard (Standards apply to Station Areas Only)	R-2 (TOD)	R-3R (TOD)	R-3 (TOD)	R-4 (TOD)	R-5 (TOD)	Use Permit Standard allows the following deviation from standards:
Maximum Density (dwellings/acre)	12	19	25	40	50	NA
Building Height (feet)	35 ft	35 ft	40 ft	60 ft	70 ft	10% increase
Maximum ^a Building height step-back required adjacent to SFR Districts, [Section 4-404]	Yes	Yes	Yes	Yes	Yes	NA
Maximum Lot Coverage (% of net lot area)	70%	70%	75%	75%	75%	10% increase
Min. Landscape Area (% of net lot area)	30%	30%	25%	25%	25%	10% decrease
Pedestrian Design Standards Apply [Section 5-612]	Yes	Yes	Yes	Yes	Yes	NA
Setbacks: [See Setback Exceptions, Sec. 4-205B] Front – Minimum						20% decrease
▪ Open Structures (e.g. porch, balcony, patio wall)	5 ft	5 ft	5 ft	5 ft	5 ft	
▪ Building wall	10 ft	10 ft	10 ft	10 ft	10 ft	
▪ Parking and maneuvering	20 ft	20 ft	20 ft	20 ft	20 ft	
▪ Structured Parking	5 ft	5 ft	5 ft	5 ft	5 ft	
Front – Maximum [Sec. 5-513 (C)]	20 ft	20 ft	20 ft	20 ft	10 ft	20% increase
Side – Minimum						20% decrease
▪ Porch, balcony, patio wall	5 ft	5 ft	5 ft	5 ft	5 ft	
▪ Building walls	10 ft	10 ft	5 ft	5 ft	5 ft	
▪ Common walls	0 ft	0 ft	0 ft	0 ft	0 ft	

Table 5-610A –Station Area Standards in Multi-Family Districts

Standard (Standards apply to Station Areas Only)	R-2 (TOD)	R-3R (TOD)	R-3 (TOD)	R-4 (TOD)	R-5 (TOD)	Use Permit Standard allows the following deviation from standards:
Street Side – Minimum	10 ft	10 ft	10 ft	10 ft	10 ft	20% decrease
▪ Building (subject to clear vision requirement on streets)						
▪ Open Structures	7 ft	7 ft	7ft	7 ft	7 ft	
▪ Structured Parking	5 ft	5 ft	5 ft	5 ft	5 ft	
▪ Parking and maneuvering	20 ft	20 ft	20 ft	20 ft	20 ft	
Rear – Minimum						20% decrease
▪ Building wall	15 ft	15 ft	10 ft	10 ft	10 ft	
▪ Common walls adjacent to alley	0 ft	0 ft	0 ft	0 ft	0 ft	
▪ Open Structures	7 ft	7 ft	7 ft	7 ft	7 ft	

^a Buildings which exceed the height of adjacent buildings, and are adjacent to any Residential District, or are adjacent to a hotel or a mixed-use development with photovoltaic equipment (solar collectors, water heaters, etc.) or a swimming pool, must provide a solar study, identifying shade patterns at 9am, Noon, 3pm and 5pm, on the vernal equinox, summer solstice, autumnal equinox and winter solstice.

Section 5-611 Development Standards for Commercial, Mixed-Use, and Industrial Districts.

- A. Commercial Districts.** All development located in the Transportation Overlay District with the underlying zoning of CC, CSS, PCC-1, or PCC-2 District shall conform to the development standards in Table 5-611A. The Transportation Overlay District does not modify the standards of the underlying district for the R/O and RCC Districts. Refer to Section 4-203 Development Standards for Commercial and Mixed-Use Districts.
- B. Mixed-Use Districts.** All projects located in the Transportation Overlay District with the underlying zoning of MU-1, MU-2, MU-3 or MU-4 Districts shall conform to the development standards in Table 5-611B.
- C. Industrial Districts.** The Transportation Overlay District does not modify the standards of any Industrial District, except for standards identified in Section 5-612 H, Pedestrian and Transit Patron Amenities. Refer to Section 4-204 Development Standards for Office/Industrial Districts.
- D. Transportation Overlay Street Setback.** Required Ground Floor uses shall conform to the maximum setbacks ranging from zero (0) to twenty (20) feet as required in Tables 5-611A and 5-611B, shall comply with the standards defined in Section 5-613(D) Minimum and Maximum Setbacks, and shall have a *finished floor* that is no more than five (5) feet above or below adjacent sidewalk grade.

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Table 5-611A - Transportation Overlay District Development Standards in Commercial Districts

Standard (Standards apply to entire District, unless otherwise specified.)	CC (TOD)	CSS (TOD)	PCC-1 (TOD)	PCC-2 (TOD)	Use Permit allows the following deviation from standards:
Maximum Residential Density (dwellings/acre) in <i>Station Areas</i> – Use Permit required for residential uses	NS	25 (U)	20 (U)	30 (U)	NA
Building Height Maximum (feet): ^a					
<i>Corridor</i>	50 ft	35 ft	35 ft	50 ft	20% increase
<i>Station Areas</i> without residential	75 ft	35 ft	40 ft	45ft	20% increase
<i>Station Areas</i> with residential building story(s) above commercial	100 ft	45 ft	55 ft	60 ft	20% increase
Building height step-back required adjacent to SFR Districts. [See Section 4-404]	Yes	Yes	Yes	Yes	NA
Max. Lot Coverage (% of net lot area)	NS	75%	75%	80%	20% increase
Minimum Landscape Area (% of net lot area)	NS	25%	25%	20%	10% decrease
Ground Floor Use Standards Apply in <i>Station Areas</i> [Section 5-606]	Yes	Yes	Yes	Yes	NA
Pedestrian Design Standards Apply [Section 5-612]	Yes	Yes	Yes	Yes	NA
Setbacks [See Setback Exceptions, 4-205]:					
Front – Minimum	0 ft	0 ft	0 ft	0 ft	
Parking and maneuvering	20 ft	20 ft	20 ft	20 ft	10% decrease
Front setback – Maximum ^b	0 ft	10 ft	10 ft	10 ft	10% increase
<i>Station Areas</i> ^c	0 ft	6 ft	6 ft	6 ft	10% increase
Side – Minimum	0 ft	0 ft ^d	20 ft	20 ft	10% decrease
Street Side – Minimum, subject to vision requirement on streets	0ft	0 ft	0 ft	0 ft	
Parking and maneuvering	20 ft	20 ft	20 ft	20 ft	10% decrease
Rear – Minimum	0 ft	10 ft	20 ft	20 ft	10% decrease

^a Buildings which exceed the height of adjacent buildings, and are adjacent to any Residential Districts, or are adjacent to a hotel or a mixed-use development with photovoltaic equipment (solar collectors, water heaters, etc.) or a swimming pool, must provide a solar study, identifying shade patterns at 9am, Noon, 3pm and 5pm, on the vernal equinox, summer solstice, autumnal equinox and winter solstice.

^b Where *ground level* retail uses are present, setback may be increased up to twenty (20) feet for outdoor seating and patio dining.

^c Features such as overhangs, porticos, balconies, pedestrian arcades, covered (non-enclosed) bicycle parking and similar architectural features placed on or in front of the street-facing side of the building are allowed within the setback.

^d Properties zoned CSS adjacent to residentially zoned properties are required a minimum 10-foot side yard setback on the side adjacent to the residential property.

(U) Denotes use permit requirement in these Districts.

Table 5-611B - Transportation Overlay District Development Standards in Mixed-Use Districts ^a					
Standard (Standards apply to <i>Station Areas</i> and <i>Corridor</i> , unless otherwise specified.)	MU-1 (TOD)	MU-2 (TOD)	MU-3 (TOD)	MU-4 (TOD)	Use Permit Allows the following deviation from standards
Maximum Res. Density (dwelling units/acre) <i>Station Areas</i>	15	25	35	NS	NA
Building Height Maximum (feet): ^a <i>Corridor</i>	35 ft	40 ft	50 ft	NS	20% increase
<i>Station Areas</i>	45 ft	50 ft	60 ft	NS	20% increase
Building height step-back required adjacent to SF Districts. [See Section 4-404]	Yes	Yes	Yes	Yes	NA
Maximum Setback	20 ft	20 ft	20 ft	20 ft	NA
Ground Floor Use Standards Apply in <i>Station Areas</i> [Section 5-606]	Yes	Yes	Yes	Yes	NA
Pedestrian Design Standards Apply [Section 5-612]	Yes	Yes	Yes	Yes	NA

NS= No Standard.

^a Buildings which exceed the height of adjacent buildings, and are adjacent to any Residential Districts, or are adjacent to a hotel or a mixed-use development with photovoltaic equipment (solar collectors, water heaters, etc.) or a swimming pool, must provide a solar study, identifying shade patterns at 9am, Noon, 3pm and 5pm, on the vernal equinox, summer solstice, autumnal equinox and winter solstice.

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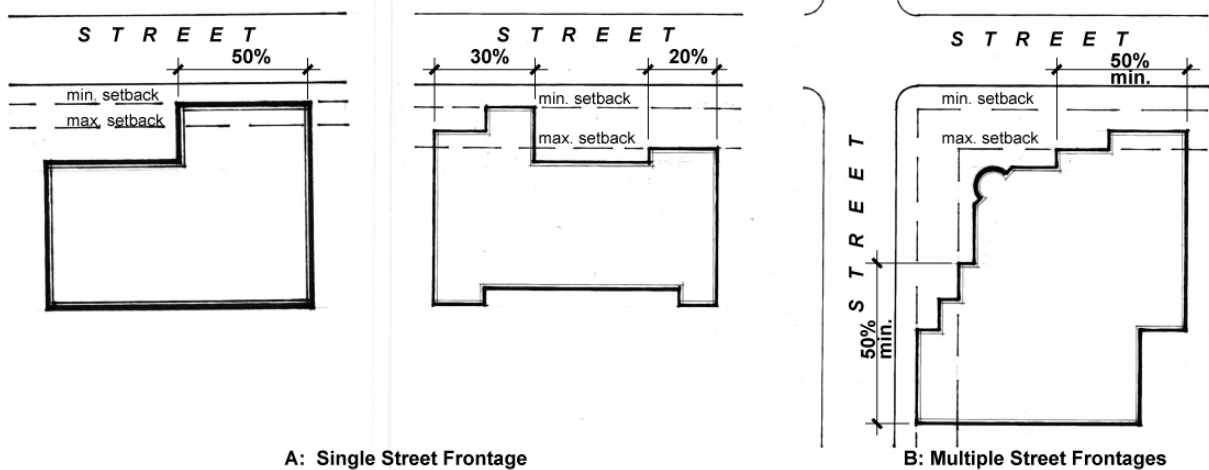
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Section 5-612 Pedestrian Oriented Design Standards.

- A. Purpose.** Since all trips begin and end as pedestrian trips, the quality of the pedestrian environment and the nature of the pedestrian linkages between land uses and transportation modes play a large role in the success of this multi-modal transportation system. The purpose of this section is to require a quality of urban design that attracts and encourages pedestrian activity, creates a safe, accessible, comfortable and pleasant environment for people and minimizes conflicts between vehicles and pedestrians.
- B. Applicability.** The provisions of this section shall apply to all new development, redevelopment, and exterior *alterations* to existing development in all zoning districts within the Transportation Overlay District.
- C. Exemptions.** The following items are exempt from the requirements of this Section:
1. Single-Family, Agricultural and Mobile Home districts, are not part of the Transportation Overlay District; however, owners/occupants of property within these districts adjacent to the Transportation Overlay District are encouraged to plant and maintain trees within yards and landscape areas adjacent to public sidewalks for the purpose of providing shade and comfort. Neighborhoods are also encouraged to apply for neighborhood grants which facilitate pedestrian enhancements within the specified boundaries of this District;
 2. City, State or Federal Historic-designated properties, districts or buildings;
 3. Repair, maintenance, and replacement with comparable materials pursuant to Part 3 Chapter 5, Legal Non-Conforming Use or Development;
 4. Modifications to a structure to meet the requirements of the Americans with Disabilities Act;
 5. *Exterior alterations* to the existing development where the *alterations* are valued at forty percent (40%) or less of the building value as determined by a qualified appraiser and as approved by the Development Services Manager or designee. (Property owners may request a use permit to be included within Section 5-612 standards for alterations valued at forty percent (40%) or less of the building value, however all standards are then applicable to the development); or
 6. Expansions to existing facilities which result in required compliance with this code that is not feasible or prudent, as determined by the Development Services Manager.
 7. Industrial Districts, except for standards identified in Section 5-612(H), Pedestrian and Transit Patron Amenities.
- D. Maximum and Minimum Building Setbacks.** The purpose of this section is to reduce the distance that pedestrians must walk to access buildings by bringing buildings closer to the street edge of the property, while providing opportunities for pedestrian amenities and variation in building façade. The maximum building setbacks of the Transportation Overlay District (Tables 5-610, 5-611A, and 5-611B) are applicable to new buildings, as follows:

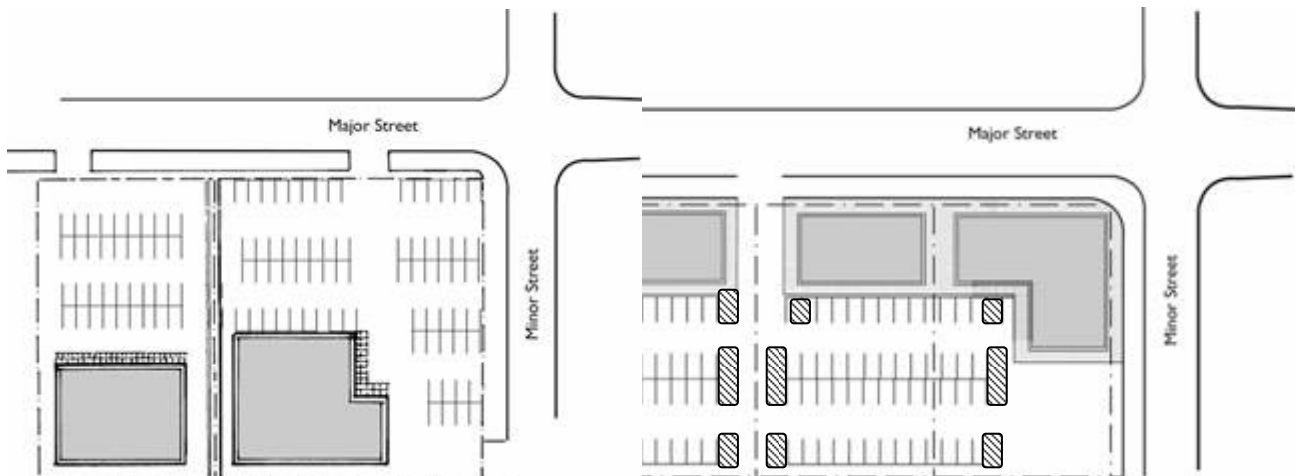
1. At least fifty percent (50%) of the length of the ground floor street-facing façade of the building must be at or within the maximum setback, as indicated in Figure 5-612A. No structure may be within the minimum setback, except as specified under minimum setbacks. When a building fronts onto more than one public street, this standard shall be met for each street.
2. Where the minimum front yard setback is zero (0) feet, and the street front right-of-way line is eight (8) feet or less from the back-of-curb, buildings must be set back on the ground floor to allow a dedicated fourteen (14) foot back-of-curb right-of-way or pedestrian easement to accommodate pedestrian activity on the street front of the building.

Figure 5-612A Maximum Building Setback



2. Parking shall be provided behind buildings, as indicated in Figure 5-613B preferred parking and access.

Figure 5-612 B Parking location



Conventional parking and access

Preferred parking and access

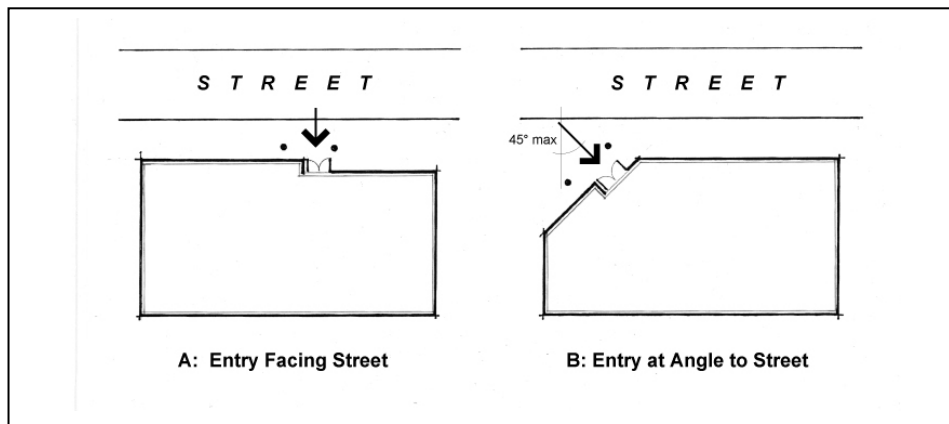
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- E. **Building Entrances.** The purpose of this section is to provide convenient street front pedestrian access to buildings. New buildings shall provide entrances that conform to the following standards:

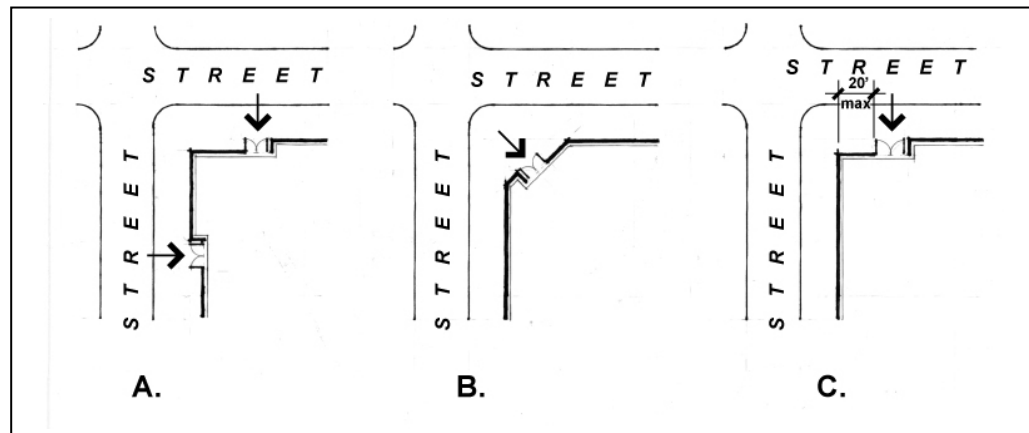
1. New commercial, civic, and mixed-use buildings shall provide a *primary building entrance* that either faces an adjacent street or is placed at an angle of up to forty-five degrees (45°) from an adjacent street, measured from the street property line, as shown in Figure 5-612C. New commercial, civic, and mixed-use buildings adjacent to a bus transit stop or adjacent to a light rail station shall orient a *primary building entrance* to face the stop or station.

Figure 5-612C: Building Entrances



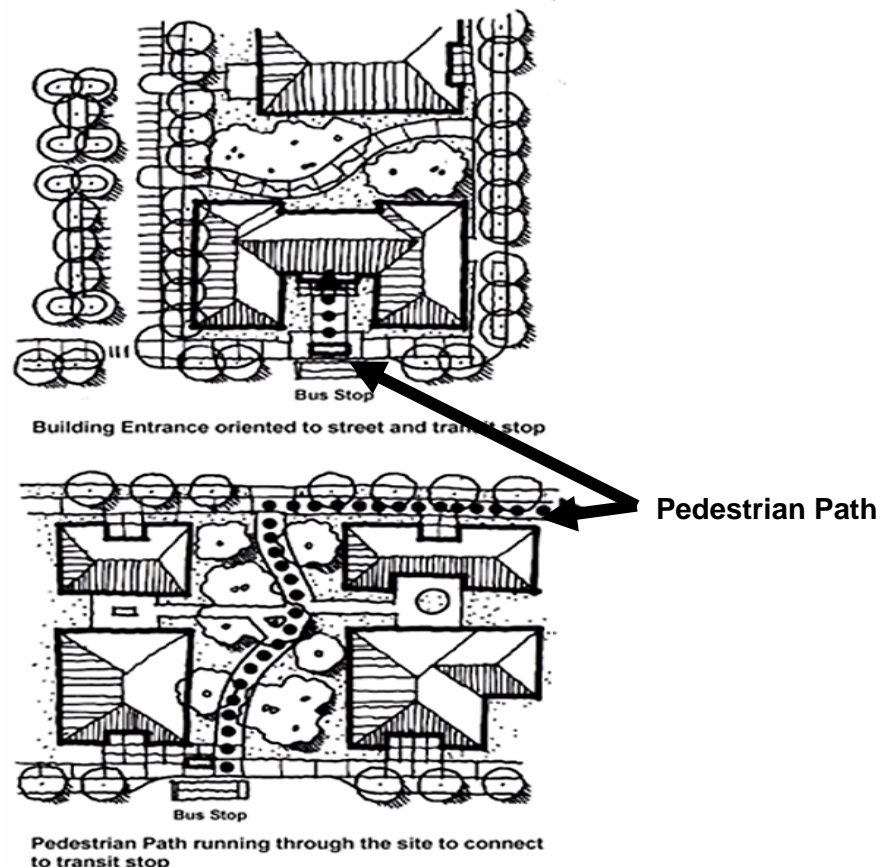
2. New commercial, civic, and mixed-use buildings shall provide a *primary building entrance* not more than twenty (20) feet from the street sidewalk unless adjacent to a public pedestrian courtyard/plaza. Building entrances must be connected to the sidewalk with a pathway that meets the standards in Section 4-503, Pedestrian and Bicycle Access and Circulation Standards.
3. When located at the intersection of two public streets, the building shall provide one of the following:
 - a. provide two primary entrances, one facing each street;
 - b. orient one primary entrance to both streets by placing the entrance at the street corner; or
 - c. place one entrance so that it is not more than twenty (20) feet from either street, as indicated in Figure 5-612D

Figure 5-612D: Building Entrances at the intersection of two streets



4. When a building or development consists of more than six hundred (600) linear feet of street frontage, pedestrian access into the site shall be provided by means of an opening in the building frontage, such as a courtyard, breezeway or other means of access.
5. Residential buildings shall have direct and convenient means of access to transit (e.g., via a pathway) as indicated in Figure 5-612E. Residential buildings may open onto a porch or patio located between the building and street, and may have a privacy wall no greater than four (4) feet tall.

Figure 5-612E: Building Entrances and Access to Transit

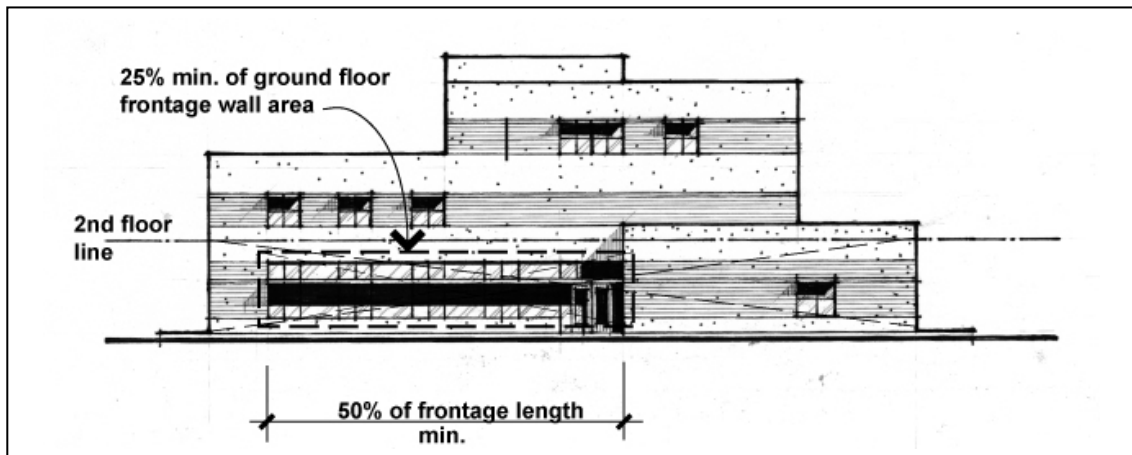


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- F. **Ground Floor Windows.** The purpose of this section is to require visibility and access to and from buildings at the street front of a development in order to create a safe and interactive environment. Buildings along street frontages shall provide *ground floor windows* that conform to the following standards:
1. *Ground Floor windows* shall be provided in at least fifty percent (50%) of the building length and twenty-five percent (25%) of the *ground level* wall area of all buildings façades that face a street or plaza. Ground floor window requirements shall apply to the area of the façade between three (3) feet and eight (8) feet above the adjacent finish grade or public sidewalk, whichever is greater. This requirement does not apply to residential units or to parking structures when set back at least five (5) feet and screened with landscape materials in conformance with Section 4-704, Parking Facility Landscape Standards.

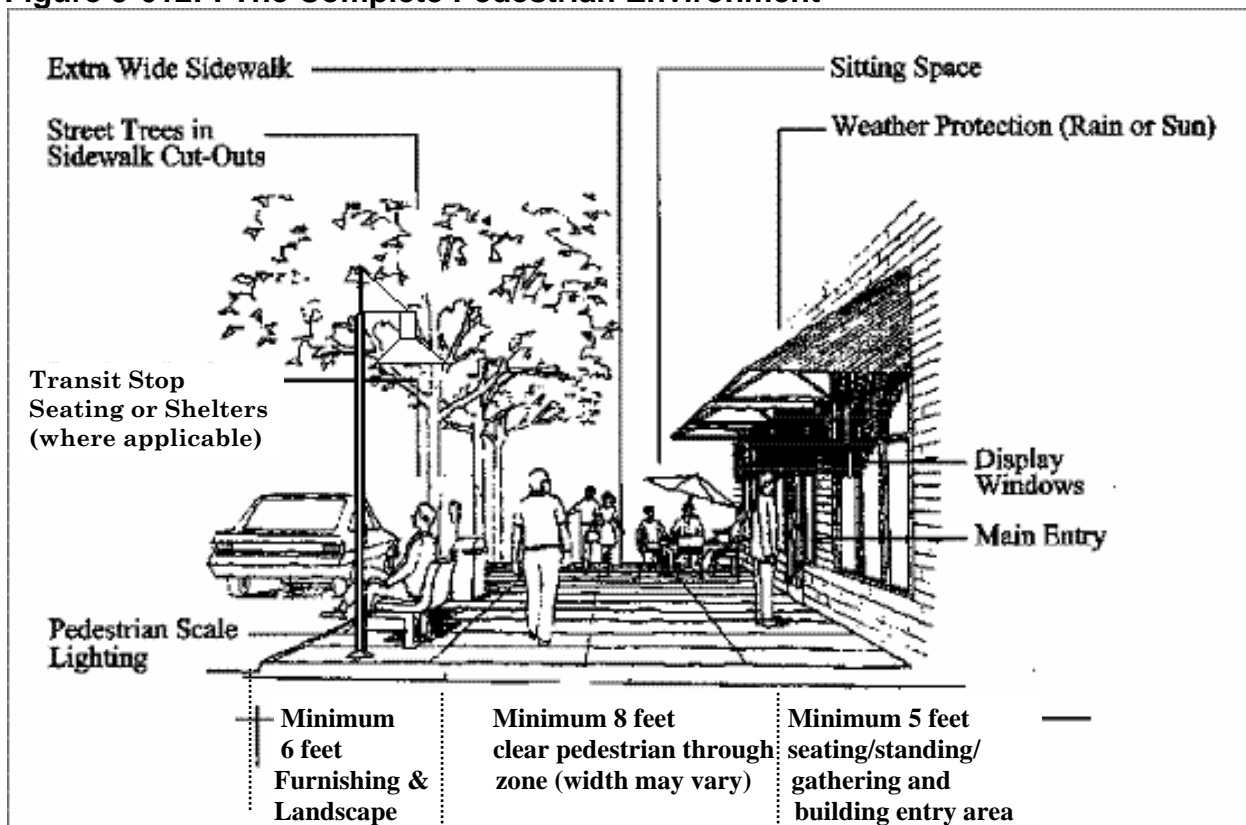
Figure 5-612F: *Ground Floor Windows*



2. Required window areas must be either windows that allow views into working areas, lobbies, pedestrian entrances or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than four (4) feet above the adjacent finish grade or public sidewalk. Transparent areas shall allow views into the structure or into display windows from the outside. Only clear or lightly tinted glass with up to fifty percent (50%) transparency for windows, doors, and display windows shall be considered transparent. Opaque, etched, frosted or mirrored glass is not transparent.
- G. **Street-Facing Façades.** The purpose of this section is to require visibility and access to and from buildings on the street in order to create a safe and interactive environment. At least fifteen percent (15%) of the area of each façade that faces a street lot line on all building stories must be windows, openings or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block shall not be considered windows. Windows in garage doors do not meet this standard, but windows in garage walls do.
- H. **Pedestrian and Transit Patron Amenities.**

1. The land between a building or exterior improvement (patio, porch, courtyard) and the back-of-curb must be landscaped and/or hard-surfaced for use by pedestrians and contain pedestrian amenities such as benches, drinking fountains, cooling systems and/or other design elements (e.g., public art, planters, and kiosks) and be physically separated from parking areas by a landscape buffer that meets the standards in Section 4-704, Parking Facility Landscape Standards.
2. The placement of shade-bearing elements and seating shall maximize shading for summer mid-day and afternoon hours.
3. Any *shade structure* that is also proposed to serve as a transit patron waiting area shall conform to the City standards for transit shelters. All landscape provided shall be located to not obstruct the transit shelter canopy or visibility of a transit stop.
4. Covered front porches, canopies, awnings, porticos, pedestrian arcades and similar shade-bearing features that used to meet this standard are exempt from the building site coverage requirements, and may be allowed to encroach in the city right-of-way, subject to a use permit. See Section 5-612S.

Figure 5-612F: The Complete Pedestrian Environment



This figure represents the intent of this code for creating a complete pedestrian environment. Existing right-of-way may not provide sufficient area to create this throughout the *corridor*. Provision for pedestrian amenities are encouraged within private property to meet this intent.

- I. **Residential-Facing Façades.** The purpose of this section is to assure that new development retains privacy for existing residences and considers the views of the new

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development from the residences. For properties without an alley, adjacent to Single-Family, Multi-Family or Mixed-Use districts, the site design shall:

- a. provide landscape buffers and screening to assure the privacy of adjacent residents
- b. minimize building heights shade impacts on adjacent solar equipment, gardens or pools
- c. design buildings to have similar attention to detail as the street front façade to provide visual interest in materials and structure to address potential views from residences
- d. screen delivery entrances from residential view

- J. Minimum Parking Ratios.** The purpose of this section is to provide an optional reduction in parking to developments within the Overlay District; this may be done at the time of development, or planned into a future phasing to assure parking availability prior to light rail construction. The minimum number of required parking spaces, as provided in Section 4-603, is reduced for commercial uses that meet the criteria in Table 5-612A. The other methods of parking reduction (shared parking, parking demand model) provided in Section 4-604 are also available for use in the Transportation Overlay District.

Table 5-612A - Transportation Overlay District Reductions to Minimum Parking

	Developments Within Station Areas	Developments within Corridor
Retail sales and service uses; customer service offices; and entertainment uses, excluding theaters.	Parking waived for 50 percent of floor area not to exceed 30,000 square feet of floor area.	Parking waived for 25 percent of floor area not to exceed 10,000 square feet of floor area
Theaters	Parking waived for first 150 seats	Parking waived for first 50 seats
<i>Restaurants, Bars and Clubs</i>	Parking waived for 50 percent of floor area not exceed 2,500 square feet of floor area	Parking waived for 25 percent of floor area, not to exceed 1,250 square feet of floor area
Multi-Family Use	0.75 parking spaces per bedroom (round up to whole number) plus guest parking	0.75 parking spaces per bedroom (round up to whole number) plus guest parking
Outdoor Dining Area	No Standard	No Standard

- K. Maximum Parking Ratios.** Uses in the Transportation Overlay District shall conform to the maximum parking ratios in Section 4-603E.
- L. On-Street Parking.** When allowed within the street right-of-way, on-street parking along the lot frontage shall count towards the parking requirement for uses on the lot.
- M. Sidewalk Standards.** Public sidewalks within the Transportation Overlay District shall have a minimum width of eight (8) feet, unobstructed by light poles, parking meters, street furniture, plant materials, fences, fire hydrants, or other obstructions.
- N. Landscape Standards.** All standards and restrictions of Part 4 Chapter 7, Landscape Standards are applicable, with the following additions and exceptions:

1. Plant materials within five (5) feet of sidewalks or bike lanes shall not include any plants with thorns, spines or sharp points.
 2. Trees shall be planted within six (6) feet of sidewalks, or as determined by the Public Works Department to provide sufficient shade when trees have grown to mature form.
 3. Mature trees must be trimmed for an eight (8) feet clear vertical height from top of walkway surface to the bottom of the tree canopy.
- O. Loading, Delivery and Service Entrances.** Site design must accommodate loading needs while preserving accessibility, mobility and safety for all other users.
1. Provide sufficient space for safe maneuvering and ingress and egress of larger vehicles. Through-access solutions should be provided to minimize or eliminate turning within parking lots and minimize the amount of needed hardscaped area for maneuvering.
 2. Provide signs at entrance and exit points for loading and delivery, and provide audible signal when vehicle approaches pedestrian paths where appropriate. Understandable right-of-way signage shall be provided where truck, auto, pedestrian and bike conflicts may occur.
 3. Delivery vehicles should access loading from alleys or side streets where possible to minimize conflicts along heavy traffic areas.
 4. Deliveries during daylight off-peak traffic hours are preferred (when noise is not in conflict with residential uses).
- P. Open Space.** *Station Areas* shall include public open space as defined and determined within Station Area Plans. Within the *corridor*, public plazas, pocket parks, roof top gardens, courtyards and other forms of open space are encouraged. Retention areas may be used for park and recreation amenities as long as the primary use for storm water retention is still met. Pedestrian connections and corridors from neighborhoods through developments are encouraged to provide connectivity to open space amenities.
- Q. Station Areas.** Station Area Plans will provide additional planning needs around light rail stations and identify future development opportunities. Station area plans identify land uses around each station, and design and development guidelines that can enhance the pedestrian environment and encourage transit ridership for the system. The station area plans shall define other design standards determined necessary to achieve a specific character for an area. The Station Area Planning Process can also evaluate the need for expanded *TOD* boundaries and/or creating pedestrian linkages along streets as needed. This would result in an amendment to the *TOD*. Station area planning may include a combination of any of the following:
1. Land use inventory
 - a. Existing and Projected land uses
 - b. Zoning analysis
 - c. Land ownership analysis
 - d. Open Space Assessment
 - e. Vacant Land Inventory
 2. Neighborhood Character Analysis
 - a. Visioning Process
 - b. Neighborhood focus groups
 3. Light rail station connectivity

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- a. Bike, pedestrian, bus and vehicular linkages
 - b. Neighborhood connections
 - c. Off-street paths, canals or trails
 - d. Critical linkages
 - 4. Opportunity Site Assessment
 - a. Underutilized property analysis
 - b. City controlled property
 - c. Opportunity site options
 - 5. Streetscape Design
 - a. Street lighting and furniture
 - b. Landscape improvements
 - c. Shade
 - d. Public Art
 - 6. Best Practices in other cities
 - 7. Community Outreach
 - a. Neighborhoods, businesses and developers
- R. Shade Standards.** Public sidewalks shall be shaded with a minimum of thirty-three percent (33%) full shade. Shade may be provided by trees, green walls, trellises, canopies, or other structural features. Shade shall cover the walkable surface at 3pm on the date of the summer solstice, verified by a development shadow study. Shade calculations for trees will assume canopy growth at five years from planting.
- S. Structural Encroachment Standard.** The encroachment of buildings and structures including marquees, awnings, balconies and other architectural projections is permitted on a case by case basis with review by the City Engineer, or designee, as part of the encroachment permit process defined in Tempe City Code Chapter 8 Section 3202-3206. In addition to the encroachment permit, sidewalk cafes are required to obtain a specialty license from the City of Tempe's Tax and License Division, using the process defined in Tempe City Code Chapter 24, Division 4.

APPENDIX

(Guidelines will be added to the Appendix of the Zoning and Development Code)

A. VII. Pedestrian Oriented Design Guidelines.

The following items are considered desirable to meet the intent of pedestrian oriented design, but are not required or regulated. Voluntary inclusion of these elements within a development plan will be used in assessment of meeting the intent of this code, per Section 5-603B. Conformance, Option B.

A. **Loading, Delivery and Service Entrances.**

1. Internal loading areas are encouraged where possible, within parking structures or podium buildings.
2. Physical separation of loading/delivery/service uses from other uses is preferred.
3. Design solution should minimize visual impacts of uses, and provide an attractive aesthetic appearance. Loading areas should not detract from the aesthetic quality of the surroundings, even in parking areas or at the rear of buildings. This includes design of the bumper guards, doors, wall protectors, etc.

B. Signs. Consideration should be given to sign placement, hours of illumination or light intensity of illuminated signs proposed within new developments when adjacent or across the street from existing residential developments with windows facing the new development. High contrast and tactile signage are encouraged to support persons with different abilities. All other sign standards within Part 4 are applicable.

C. Cool Materials. To mitigate heat island impacts, new and existing developments are encouraged to use roofing and building materials that provide high reflectivity and/or high emissivity as appropriate to use and occupancy. Use permeable paving surfaces where appropriate, and high reflectivity and/or emissivity paving materials. Reflective surface paving should not be used in large unshaded areas which create significant eye strain or contrast to surroundings, and might impair visibility of pedestrians or drivers.

D. Accessibility. All standards of the Americans with Disabilities Act, as well as those within the base code apply. Additional consideration should be given to the provision of amenities that serve persons with different abilities, including extra sidewalk widths, physical cues and limited audio distractions for the visually impaired and minimized texture and changes in surface elevation for persons using wheelchairs. All other accessibility standards within Part 4 are applicable.

E. Retention. Underground retention and on-site rainwater storage for irrigation purposes is permitted, subject to Engineering Division review and approval. Permeable surfaces can be used to decrease area used in calculation for retention. Shared retention is encouraged where opportunities for dedicated public open space can be provided.

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Definitions (to add to PART 7 in the back of the Zoning and Development Code)

Customer point of service means any business which includes an entrance, lobby and service area for customers, such as a customer service window, booth or counter.

Customer service office means any office that has customer point of service

Finished floor means the lowest occupiable space or floor of a building. *Finished floor* is not used as a base point for determination of building height (see grade).

Ground floor windows means windows located on the first floor

Ground level means the portion of a building located on the first floor at grade.

Hardscape means brick, concrete, wood, tile, paver or other decorative hard surfaces used outside in lieu of or in conjunction with landscape materials such as trees, shrubs, turf, ground cover wood chips or gravel.

Motorist amenity means any use that provides services to people in their vehicles or services the vehicle itself. Examples include *drive-throughs*, drive-ins, auto service station, car wash.

Outdoor storage means the use of land for secured containment of personal property, which may or may not be accessed by the public. Examples include landscape and garden supplies, construction materials or vehicles or boats.

Primary building entrance means the entry to a building intended for the majority of public access

Primary use (Principle use) parking means property being used for parking automobiles not related to the on site use including remote (non-contiguous to a specific use) parking for students, employees or the general public. Parking may be provided on lots adjacent or across the street from a related use.

Shade structure means a constructed form designed to protect an area from direct sunlight

Street frontage means the portion of a building or property facing a public street

Telecommunications Hotel means a windowless controlled environment buildings which allow for businesses to lease computer server space for connection to local exchange carriers, interexchange carriers, Internet service providers, competitive access providers and telephone services. In addition to voice and data connectivity, the amenities include controlled temperature and humidity, 24-hour security, fire detection/suppression systems and generator power backup. These facilities have no pedestrian activity associated with the use.

TOD means a Transportation Overlay District, which creates an overlay to existing zoning to encourage development supportive of light rail, bus, bicycle and pedestrian uses

(TOD) Corridor means the portion of the Overlay District not located within a *Station Area*.

(TOD) Station Area means the portion of the Overlay District located Only areas within 400 linear feet of a light rail transit station are referred to as *Station Areas*, measured from the center point of the platform, extending 400 feet in a linear direction along the center of any public right of way, including only properties adjacent to the public right-of-way, with required uses, development and design standards that encourage intensified development around the light rail stations.

Transit shelter means a structure provided at a bus or train stop to provide shelter from weather and/or sun to transit patrons waiting at the stop.